

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION

CLERK'S OFFICE U.S. DIST. COURT
AT LYNCHBURG, VA
FILED

JAN 25 2013

JULIA C. DUDLEY, CLERK
BY: *[Signature]*
DEPUTY CLERK

KEVIN S. JETT, SR.,
Plaintiff,

v.

LYNCHBURG ADULT
DETENTION CENTER,
Defendant.

Civil Action No. 6:13cv00009

MEMORANDUM OPINION

By: Norman K. Moon
United States District Judge

Plaintiff Kevin S. Jett, Sr., proceeding *pro se*, has filed a civil rights action pursuant to 42 U.S.C. § 1983 against the Lynchburg Adult Detention Center, alleging that the defendant caused him “mental and emotional distress” and subjected him to cruel and unusual punishment. Jett also moves to proceed *in forma pauperis* and I will grant this motion. However, I find that the Lynchburg Adult Detention Center is not a proper defendant to a § 1983 action and, therefore, I will dismiss Jett’s complaint without prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

Jett names only the Lynchburg Adult Detention Center as defendant to this action. To state a cause of action under § 1983, a plaintiff must allege facts indicating that he has been deprived of rights guaranteed by the Constitution or laws of the United States and that this deprivation resulted from conduct committed by a person acting under color of state law. *West v. Atkins*, 487 U.S. 42 (1988). As the Lynchburg Adult Detention Center is not a “person” subject to suit under § 1983, Jett cannot maintain his action against the defendant. *See McCoy v. Chesapeake Correctional Center*, 788 F. Supp. 890 (E.D. Va. 1992). Therefore, I will dismiss this action without prejudice.

The Clerk is directed to send copies of this memorandum opinion and the accompanying order to the parties.

ENTER: This 25th day of January, 2013.

[Signature]
NORMAN K. MOON
UNITED STATES DISTRICT JUDGE